Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

New corrected drawings are submitted herein.

The indication that the section 112 rejection has been withdrawn is appreciatively noted.

Claims 26-31, 33-39, 41-50 stand rejected over Bjorn in view of Freedman. This contention is respectfully traversed, and for reasons set forth herein, the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

In the response to arguments, the patent office explains the "new ground of rejection" with regards to arguments made in previous amendments. Specifically, claim 26 requires receiving information indicative of <u>a value known to the user</u>, where the value identifies a portion of the scanned body part. Claim 26 requires using only that portion of the scanned body part, indicated by that value known to the user.

In previous remarks, the applicant argued that the prior art did not disclose the biometric and the code being used together, and where the code is used to obtain a section of the biometric. The rejection states that this is supplied by the Freedman reference. However, Freedman is, with all due respect, wholly different than this claimed part. Column 11 of Freedman describes that the "individual" can determine which biometric sample parameters they want to enter. The user selects these. As

explained in column 11 lines 27-29, the user can enter parameters in the form of identifying biometric information sources. However, these are not based on a value known to the user, but are rather simply selected by the user, not based on any value. They are at the user's prerogative.

The following paragraph, column 11 lines 30-36 explains how the user can set which values are entered. While there is at least a predetermined security level that needs to be met, the user can decide which of the different parameters are entered at any specific time. For example, column 11 beginning line 44 explains how the user can select left ring finger once, right ring finger once, right index finger once. The user selects these items, and then the authentication procedure authenticates whether the items that are entered match the enrolled biometric.

Note that this is completely different than the claims which require that the user must know a value. According to claim 26, the system receives information indicative of the value known to the user, which identifies a portion of the scanned body part among the whole scanned body part. The key is formed based on the portion and also on the value. First of all, Freedman does not teach taking a portion based on the value. Second, Freedman does not suggest entering a value at all. Freedman allows the user to select a set of biometrics to be entered. This is not based on a "value known to the user" but rather is anything that the user wants to enter.

Moreover, Freedman has no disclosure that this value is used to set a "portion" of the biometric. Rather, Freedman sets this according to a sequence of biometrics.

In item 3.3, the rejection notes that Freedman discloses multiple different types biometric information being used. Applicant agrees that this is shown by Freedman. Freedman allows "at least two sources". However, Freedman does not teach forming "the key" using those multiple sources. Freedman only relates to use of biometrics for recognition. This is inherently different than the use of biometrics to form a key as claimed. Forming the key requires specified pieces of biometrics. Entry to an area simply requires matching between entered biometrics and enrolled biometrics.

In 3.4, the patent office states that Takhar shows normalizing ridge to value ratios. However again this is wholly different than what we do and what is claimed. Takhar shows normalizing the ridge to value ratios in order to allow obtaining a more even scan of the fingerprint. This does not <u>use</u> the ridge to value ratio to make the key as claimed. In fact, since Takhar teaches NORMALIZING that ratio, it stands to reason that Takhar must teach AWAY from using that ratio. Takhar teaches changing it, not using it. Takhar normalizes the ridge to value ratio, with the idea that a more normalized ridge to value ratio will produce a better scan or a more consistent scan. In essence, Takhar teaches completely away from claims that recite using the ratio of ridge to value in order to obtain a value that is used as part of the key.

Takhar, in stark contrast, normalizes that ridge to value ratio, trying to make that ratio be the same among virtually every fingerprint. It could not used as a key after normalizing it, and can fairly be said that Takhar teaches away from using the ridge to value ratio, as claimed.

Claims 26 and 28 stand rejected under 35 USC 112, first paragraph as allegedly failing to comply with the written description requirement. The rejection states that the disclosure does not include the terms "portion" or "whole" in referring to the biometric obtaining. With all due respect, however, this contention is respectfully traversed. First of all, there is no requirement that a term be present in the original specification "in ipsis verbis". Rather, a disclosure need only be sufficient to show a person of ordinary skill in the art that the inventor was in possession of the claimed subject matter. Note that the specification refers to the "entire fingerprint" page 5 line 20, "whole image of the fingerprint" page 6 lines 5-6. The specification also describes only obtaining portions of the fingerprint along specified lines, see page 5 lines 13-15 and page 6 line 1-7. See also figure 2 which shows forming the fingerprints along those lines. The whole fingerprint is certainly disclosed in the specification, and the "portion" of the fingerprint is certainly disclosed by the portion along those lines. With all due respect, therefore, the rejection is respectfully traversed.

Claims 26031, 33-39, 41-50 stand rejected under 35 USC 103, as allegedly being unpatentable over Bjorn in view of Freedman.

This contention is respectfully traversed.

Bjorn forms an encryption key using biometric data. The entire biometric is used to form the encryption key.

Freedman teaches matching to an entered biometric value, by allowing the user to select which of the number of different biometric parts are scanned. It does not require that a "value" be entered it is used as part of the formation of the key.

Rather, the hypothetical combination simply suggests a Bjorn style encryption key using biometric data, along with the disclosure in Freedman that you can enter a number of different pieces of biometric data to obtain entry. The hypothetical combination has no disclosure of the claimed subject matter. Specifically, turning to claim 26, nothing in the combination discloses is no receiving information indicative of a value known to the user that identifies a portion of the scanned body part among the whole body part as defined according to claim 26.

Furthermore, Bjorn/Freedman does not have any disclosure of using only the portion to carry out at least a portion of the obtaining.

Moreover, Freedman does not even have any relevance to the Bjorn prior art, as they are wholly incompatible with one another. Bjorn is about forming an encryption key. Freedman is about using biometrics to compare against stored biometric data, e.g., for recognition. It is quite simply speculative to consider how the techniques in Freedman could be used with Bjorn's teaching, if at all.

There is certainly no teaching of the synergy of using both a biometric and a value that is entered, where the value is used to obtain a selection of the biometric in order to form a key. Freedman does not even have such a value that is sent or not, the user can select any combination of parts. Certainly Freedman does not disclose a value that becomes part of the key, as claimed.

Claim 37 defines similar subject matter, where there is a value entered by a user, and that value identifies only a portion of the scanned body part. Claim 37 should be allowable for similar reasons to those discussed above.

According to claim 46, a value known to a user and a human body part are used together to obtain a cryptographic key. For reasons stated above, this is nowhere disclosed or otherwise made obvious by the cited prior art.

The claims which refer to ratios, such as claim 32, should also be allowable for similar reasons as well as on their own merits. For reasons discussed above, Takhar teaches AWAY from using the ratios by his teaching of normalizing the ratios. Takhar's a fingerprint identification system in which the fingerprint may be stored using an adaptive technique. Takhar uses the word "ratio", see for example column 6 lines 13-15 and 22. However, the ratio is used to determine the proper light source angle to obtain a constant and consistent scan each time. Column 26 lines 7-10 describe setting the scanning light source, in a way so that "a self-regulating adaptive technique for normalizing ridge to valley 1:1 width ratio" is applied. This is a form of making the scan consistent from image to image. Takhar does not disclose using ratios in processing a biometric scan.

Specifically, claim 32 requires that the forming forms information that is independent of absolute dimensions.

Takhar does not form information independent of absolute dimensions; rather it uses this technique to determine consistent scans. For these reasons, claims 32 and 40 should be independently allowable.

These claim amendments merely change a typographical error in claim 50, and should be entered after final, since it puts the case in better condition for appeal.

For all of these reasons, each of the claims should be allowable.

If the Examiner believes that communications such as a telephone interview or email would facilitate disposal of this case, the undersigned respectfully encourages the Examiner to contact the undersigned.

Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail (using the email address scott@harrises.com). I understand that a copy of these communications will be made of record in the application file.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Therefore, and in view of the above amendments and remarks, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

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